

quire the user or users of such a road to reconstruct the same when such reconstruction is determined to be necessary to accommodate such use. If such maintenance or reconstruction cannot be so provided or if the Secretary determines that maintenance or reconstruction by a user would not be practical, then the Secretary may require that sufficient funds be deposited by the user to provide his portion of such total maintenance or reconstruction. Deposits made to cover the maintenance or reconstruction of roads are hereby made available until expended to cover the cost to the United States of accomplishing the purpose for which deposited: *Provided*, That deposits received for work on adjacent and overlapping areas may be combined when it is the most practicable and efficient manner of performing the work, and cost thereof may be determined by estimates; *And provided further*, That unexpended balances upon accomplishment of the purpose for which deposited shall be transferred to miscellaneous receipts or refunded.

(Pub. L. 88-657, § 6, Oct. 13, 1964, 78 Stat. 1090.)

#### Executive Documents

##### TRANSFER OF FUNCTIONS

For transfer of certain enforcement functions of Secretary or other official in Department of Agriculture under sections 532 to 538 of this title to Federal Inspector, Office of Federal Inspector for Alaska Natural Gas Transportation System, and subsequent transfer to Secretary of Energy, then to Federal Coordinator for Alaska Natural Gas Transportation Projects, see Transfer of Functions note set out under section 533 of this title.

#### § 538. User fees fund for delayed payments to grantors

Whenever the agreement under which the United States has obtained for the use of, or in connection with, the national forests and other lands administered by the Forest Service a right-of-way or easement for a road or an existing road or the right to use an existing road provides for delayed payments to the Government's grantor, any fees or other collections received by the Secretary for the use of the road may be placed in a fund to be available for making payments to the grantor.

(Pub. L. 88-657, § 7, Oct. 13, 1964, 78 Stat. 1090.)

#### § 538a. Forest Service Legacy Road and Trail Remediation Program

##### (a) Establishment

The Secretary shall establish the Forest Service Legacy Road and Trail Remediation Program (referred to in this section as the "Program").

##### (b) Activities

In carrying out the Program, the Secretary shall, taking into account foreseeable changes in weather and hydrology—

- (1) restore passages for fish and other aquatic species by—
  - (A) improving, repairing, or replacing culverts and other infrastructure; and
  - (B) removing barriers, as the Secretary determines appropriate, from the passages;

(2) decommission unauthorized user-created roads and trails that are not a National Forest System road or a National Forest System trail, if the applicable unit of the National Forest System has published—

- (A) a Motor Vehicle Use Map and the road is not identified as a National Forest System road on that Motor Vehicle Use Map; or
- (B) a map depicting the authorized trails in the applicable unit of the National Forest System and the trail is not identified as a National Forest System trail on that map;

(3) prepare previously closed National Forest System roads for long-term storage, in accordance with subsections (c)(1) and (d), in a manner that—

- (A) prevents motor vehicle use, as appropriate to conform to route designations;
- (B) prevents the roads from damaging adjacent resources, including aquatic and wildlife resources;
- (C) reduces or eliminates the need for road maintenance; and
- (D) preserves the roads for future use;

(4) decommission previously closed National Forest System roads and trails in accordance with subsections (c)(1) and (d);

(5) relocate National Forest System roads and trails—

- (A) to increase resilience to extreme weather events, flooding, and other natural disasters; and
- (B) to respond to changing resource conditions and public input;

(6) convert National Forest System roads to National Forest System trails, while allowing for continued use for motorized and non-motorized recreation, to the extent the use is compatible with the management status of the road or trail;

(7) decommission temporary roads—

- (A) that were constructed before November 15, 2021—
  - (i) for emergency operations; or
  - (ii) to facilitate a resource extraction project;
- (B) that were designated as a temporary road by the Secretary; and
- (C)(i) in violation of section 1608(b) of this title, on which vegetation cover has not been reestablished; or
- (ii) that have not been fully decommissioned; and

(8) carry out projects on National Forest System roads, trails, and bridges to improve resilience to extreme weather events, flooding, or other natural disasters.

##### (c) Project selection

##### (1) Project eligibility

##### (A) In general

The Secretary may only fund under the Program a project described in paragraph (3) or (4) of subsection (b) if the Secretary previously and separately—

- (i) solicited public comment for changing the management status of the applicable National Forest System road or trail—